REMARKS

Claims 1-30 are pending in the application. Claims 1, 13, and 25 are independent. By the foregoing Amendment, Applicants seek to amend claims 19, 23, and 26-30. These changes are believed to introduce no new matter and their entry is respectfully requested.

Rejection of Claims Under 35 U.S.C. §112, Second Paragraph

In paragraph 2, the Examiner rejected claims 26-30 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. Specifically, the Examiner points out that there is insufficient antecedent basis for the claim limitation "the apparatus" in these claims. By the foregoing Amendment, Applicant seeks to amend claims 26-30 to recite "the article of manufacture" to accommodate the Examiner. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 26-30.

Rejection of Claims 1-4, 8-9, 11, 13-17, 20-21, 23, and 25-28 Under 35 U.S.C. §102(e)

In paragraph 4 of the Office Action, the Examiner rejected claims 1-4, 8-9, 11, 13-17, 20-21, 23, and 25-28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,502,131 B1 to Vaid et al. ("Vaid"). A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. Id. *citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,1236 (Fed. Cir. 1989)). Applicant respectfully traverses the rejection.

In the Office Action, the Examiner asserts that Vaid teaches a policy management tool, a method, and an article of manufacture, comprising dynamic network information; and a policy manager coupled to the model to manage deployment of at least one policy to a set of devices in a network based on the dynamic network information. Applicant respectfully disagrees.

Vaid Is Not Properly Applied to Claims 1, 13, and 25

As a first matter, Applicants respectfully submit that the Examiner has not properly applied Vaid to claims 1, 13, and 25. For example, claims 1, 13, and 25 recite in pertinent part

"dynamic network information to model a physical configuration of a network; and to detect a change in the physical configuration of the network; and a policy manager to deploy at least one policy to a set of devices in the network in response to the detected change in physical configuration of the network." Applicants respectfully submit that *the language the Examiner is asserting that Vaid teaches is not recited in claims 1, 13, or 25.* For example, "a policy manager coupled to the model to manage deployment of at least one policy to a set of devices in a network based on the dynamic network information" is not recited in claims 1, 13, or 25. Thus even if the Examiner is correct in the assertion of what Vaid teaches, that language is not recited in claims 1, 13, or 25 and as a result the Examiner has not properly applied Vaid to claims 1, 13, or 25.

Vaid Does Not Teach the Identical Invention Contained in Claims 1, 13, and 25

As a second matter, even, assuming for the sake of argument, that Vaid is properly applied to the claimed invention, Applicant respectfully submits respectfully submit that Vaid does not teach the identical invention recited in claims 1, 13, or 25. For example, Applicants respectfully submit that Vaid does not teach "a policy manager to deploy at least one policy to a set of devices in the network in response to the detected change in physical configuration of the network" as recited in claims 1, 13, or 25. The policies in Vaid are already deployed and Vaid is merely using the graphical user interface (GUI) to invoke those policies (*see*, for example, "The GUI also allows configuring event-triggered actions, such as *invoking a QoS control policy when network response time* detected by an intelligent agent *falls below* the required minimum *threshold*" (emphasis added) Col. 27, lines 47-51). Vaid is not concerned with policy deployment. To the contrary, the problem addressed in Vaid is that quality of service (QoS) of the Internet has decreased because increased traffic has caused congestion. Vaid does not address *deployment* of policies, but only invoking and enforcement of policies that were previously deployed. Thus Vaid does not teach a policy manager to deploy at least one policy to a set of devices in the network in response to the detected change in physical configuration of the network" as recited in claims 1, 13, or 25.

Applicants respectfully submit that because the Examiner has not properly applied Vaid to claims 1, 13, or 25 and because the Examiner has not demonstrated that Vaid teaches the identical invention as recited in claims 1, 13, or 25 that the Examiner has failed to show how

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Vaid anticipates claims 1, 13, or 25. Claims 2-4, 8-9, 11, 14-17, 20-21, 23, and 26-28 properly depend from claims 1, 13, or 25 and as such Vaid fails to anticipate them as well. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejections to claims 1-4, 8-9, 11, 13-17, 20-21, 23, and 25-28.

Rejection of Claims 5-6, 10, 18-19, 22, and 29-30 Under 35 U.S.C. §103(a)

In paragraph 5 of the Office Action, the Examiner rejected claims 5-6, 10, 18-19, 22, and 29-30 under 35 U.S.C. §103(a) as being unpatentable over Vaid in view of U.S. Patent No. 6,351,771 to Craddock et al. ("Craddock"). To establish a *prima facie* case of obviousness, an Examiner must show three things: (1) that there is some suggestion or motivation to modify a reference or combine reference teachings to arrive at the claimed invention, (2) that there must be a reasonable expectation of success, and (3) that the references teach or suggest each and every element of the claimed invention. (MPEP §2143.) Applicant respectfully traverses the rejection.

Applicant respectfully submits that claims 5-6, 10, 18-19, 22, and 29-30 properly depend from patentable claims 1, 13, or 25, and are therefore patentable as well. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 5-6, 10, 18-19, 22, and 29-30.

Rejection of Claims 7, 12, and 24 Under 35 U.S.C. §103(a)

In paragraph 5 of the Office Action, the Examiner rejected claims 7, 12, and 24 under 35 U.S.C. §103(a) as being unpatentable over Vaid in view of U.S. Patent No. 6,266,781 to Chung et al. ("Chung"). Applicant respectfully traverses the rejection.

Applicant respectfully submits that claims 7, 12, and 24 properly depend from patentable claims 1 or 13, and are therefore patentable as well. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 7, 12, and 24.

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CONCLUSION

Applicant submits that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 4/26/2005

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